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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT LEUENBERGER,)	Case No. 2:22-cv-01598-CDS-BNW
)	
Plaintiff,)	<u>DISCOVERY PLAN AND PROPOSED</u>
)	<u>SCHEDULING ORDER L.R. 26.1(b)</u>
vs.)	
)	
WALMART, INC., a foreign)	
corporation; and DOES I-V,)	
)	
Defendants.)	
)	

Plaintiff and Defendant, by and through counsel, KILPATRICK BULLENTINI WOODRUM and ALVERSON TAYLOR & SANDERS, respectively hereby submit the following Stipulated Discovery Plan and Scheduling Order pursuant to L.R. 26-1(d) and Fed.R.Civ.P 26(f).

PROPOSED SCHEDULE

1. **Meeting**: Pursuant to Fed.R.Civ.P. 26(f) a telephonic meeting was held on October 12, 2022 and was attended by attorney for Plaintiff, Adam L. Woodrum, Esq., of Kilpatrick Bullentini and attorney for Defendant Patrice Stephenson-Johnson, Esq., of Alverson Taylor & Sanders.

2. **Initial Disclosures**: No changes are necessary to the form or requirement for the disclosures under Fed.R.Civ.P. 26(a). Initial disclosures were served by Plaintiff on or about July

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1 13, 2020 and it was agreed that Defendant would provide initial disclosures within 20 days of the
2 conference, to wit: **Tuesday, November 1, 2022.**

3 3. Areas of Discovery: (a) the allegations in Plaintiff's Complaint and (b) Defendant's
4 defenses.

5 4. Discovery Plan: The parties propose the following discovery Plan:

6 A. Discovery Cut-off Date(s): L.R. 26(e) provides that "unless otherwise ordered
7 discovery periods longer than 180 days from the date the first defendant answers or appears will
8 require special scheduling review." The parties agree that there is no need for a special scheduling
9 review. The parties further agree that discovery will take 180 from September 29, 2022 which is the
10 date of Defendant's Statement of Removal. All discovery will be completed by no later than
11 **Tuesday, March 28, 2023**

12 B. Amending Pleadings or Adding Parties: Unless otherwise stated herein or
13 ordered by the Court, the date for filing motions to amend pleadings or to add parties shall not be
14 later than 90 days prior to the discovery cut-off date. Any such motion shall be filed no later than
15 **Wednesday, December 28, 2022.**

16 C. Disclosure of Expert Witnesses: In accordance with Fed.R.Civ.P 26(a)(2) and
17 L.R. 26-1(3), disclosures identifying experts shall be made 60 days prior to the discovery cut-off
18 date. Such disclosures shall be made no later than **Friday, January 27, 2023.** Disclosures
19 identifying rebuttal experts shall be made 30 days after the initial disclosure of experts, to wit:
20 **Monday, February 27, 2023.**

21 D. Interim Status Report: The parties shall file an Interim Status report 60 days
22 prior to the close of discovery as required by L.R. 26-3, stating the time estimated for trial, three
23 alternative dates for trial and whether or not trial will be proceeding or affected by substantive
24 motions. The Interim Status Report shall be filed no later than **Friday, January 27, 2023.**

25 E. Dispositive Motions: Dispositive motions must be filed within 30 days after
26 the close of discovery. Dispositive motions shall be filed not later than **Thursday, April 27, 2023.**

27 F. Pre-Trial Order: The parties will prepare a Joint Pre-Trial Order 30 days after
28 the date set for filing dispositive motions, to wit: **Tuesday, May 30, 2025.** The deadline will be
suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive

1 motions or until further order of the court. The disclosure required by Fed.R.Civ.P. 26(a)(3) and
 2 objections thereto, shall be made in the pre-trial order.

3 G. Pre-Trial Disclosures: L.R. 26-1(6) requires that pre-trial disclosures pursuant
 4 to Fed.R.Civ.P. 26(a)(3), and any objections thereto shall be included in the Pre-trial order.
 5 However, the parties wish to deviate from that rule so as to permit a reasonable opportunity to
 6 evaluate a party's pre-trial disclosures and make well-reasoned objections thereto. The parties do
 7 not feel they can adequately do so under the modified schedule of L.R. 26-1(6). Therefore, the
 8 parties propose the following the schedule in the Fed.R.Civ.P. 26(a)(3)(B) which requires the parties
 9 make pre-trial disclosure not later than 30 days before trial, and submit any objections thereto not
 10 later than 14 days before trial.

11 H. Court Conference: If the court has questions regarding the dates proposed by
 12 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
 13 the Court does not have questions, the parties do not request a conference with the Court.

14 5. Other orders that should be entered the Court under Rule 26(c) or under Rules 16(b)
 15 and (c)): The parties are not aware at this time of any other orders that should be entered by the
 16 Court under Rule 26(c) or Rules 16(b) and (c).

17 6. E-discovery: The parties agree that disclosure and discovery of electronically stored
 18 information should be produced in Portable Document Format (PDF) to allow for proper and
 19 consistent Bates numbering. The PDF documents are also to be produced in a recognize text Optical
 20 Character Recognition (OCR) Format. If in good faith a party questions the authenticity of an
 21 electronically stored document, or for other good faith reason, the party may request the PDF
 22 document to be produced in its native format.

23 7. Extensions or Modifications of the Discovery Plan and Scheduling Order: In
 24 Accordance with L.R. 26-4, any stipulation or motion for modification or extension of this discovery

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plan and scheduling order must be made no later than 21 days before the discovery cut-off date.
Therefore any such stipulations or motions shall be made not later than **Tuesday, March 7, 2023.**

DATED: October 18, 2022

DATED: October 18, 2022

KILPATRICK BULLENTINI WOODRUM

ALVERSON TAYLOR & SANDERS

/s/Adam L. Woodrum

/s/Patrice Stephenson-Johnson

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Attorney for Plaintiff

Attorney for Defendant

ORDER

IT IS ORDERED that ECF No. 7 is GRANTED in part and DENIED in part. It is granted in all respects except that the proposed Joint Pretrial Order shall be due May 30, 2023.

IT IS SO ORDERED

DATED: 4:46 pm, October 20, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

Kilpatrick Bullentini Woodrum 412 N. Division Street Carson City, NV 89703-4168